

AMENDED IN SENATE MAY 26, 2000

AMENDED IN SENATE MAY 11, 2000

AMENDED IN SENATE MAY 2, 2000

SENATE BILL

No. 1511

Introduced by Senator Chesbro
(Principal coauthor: Assembly Member Wiggins)

February 16, 2000

An act to add Section 23396.2 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1511, as amended, Chesbro. Alcoholic beverages: licenses.

The Alcoholic Beverage Control Act contains provisions for various types of licenses that permit licensees to furnish alcoholic beverages under designated circumstances.

This bill would create an on-sale general license for a wine, food and art cultural museum, and educational center that would authorize described persons to sell, furnish, or give alcoholic beverages for consumption on the premises and various off-sale privileges.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23396.2 is added to the Business
2 and Professions Code, to read:

1 23396.2. (a) An on-sale general license for a wine,
2 food and art cultural museum, and educational center
3 authorizes those persons described in subdivision (b) to
4 sell, furnish, or give alcoholic beverages for consumption
5 on the premises and ~~any and all off-sale privileges~~
6 ~~pursuant to Section 23401.~~ *off-sale privileges, as further*
7 *qualified herein. Such off-sale privileges shall be limited*
8 *to the sale of no more than six thousand (6,000) cases per*
9 *calendar year of wine labeled with and otherwise bearing*
10 *only the name, logo, trademark and/or other proprietary*
11 *art owned by the wine, food and art cultural museum and*
12 *educational center licensee. In no event shall such wine*
13 *bear a name, logo, trademark and/or other proprietary*
14 *art or statement identifying any other licensee.*

15 (b) For purposes of this division, “a wine, food and art
16 cultural museum, and educational center” is a person
17 which meets all the following conditions:

18 (1) The retail premises includes an auditorium,
19 concert terrace, exhibition gallery, teaching kitchen, and
20 library and may be adjacent to a bona fide eating place as
21 defined in Section 23038.

22 (2) The premises is located in Napa County ~~and~~,
23 operated by a nonprofit entity that is exempt from
24 payment of income taxes under Section 501(c)(3) of the
25 Internal Revenue Code, *and includes real estate*
26 *improvements of a value of at least forty-five million*
27 *dollars (\$45,000,000).*

28 (c) The department shall upon request and
29 qualification issue an on-sale general wine, food and art
30 cultural museum, and educational center licensee a
31 duplicate of the original license for a premises located on
32 commonly owned property, ~~or property~~ contiguous to, or
33 in close proximity to the original licensed premises. As
34 used in this section, “close proximity” shall mean the
35 original licensed premises is no further than 900 feet from
36 the premises issued the duplicate license regardless of
37 whether the two premises are separated by a public or
38 private street, alley, or sidewalk.

39 (d) There shall be no limit as to the number of events
40 held on an on-sale general wine, food and art cultural

1 museum, and educational center premises or duplicate
2 premises at which a person or persons issued caterer's
3 permits under Section 23399 may sell alcoholic beverages
4 so long as the on-sale general license for a wine, food and
5 art cultural museum, and educational center surrenders
6 its license privileges for any portion of the premises at
7 which a catered event is held for the duration of the
8 event.

9 (e) A wine, food and art cultural museum, and
10 educational center licensed under this section shall not be
11 included in the definition of "public premises" under
12 Section 23039.

13 (f) The provisions of Article 2 (commencing with
14 Section 23815) of Chapter 5 do not apply to the issuance
15 of on-sale general licenses for a wine, food and art cultural
16 museum, and educational center. An on-sale wine, food
17 and art cultural museum, and educational center license
18 may be transferred to another person, qualified pursuant
19 to subdivision (b), but not to another location. A licensee
20 specified in this section shall purchase no alcoholic
21 beverages for sale in this state other than from a
22 wholesaler or winegrower licensee. Notwithstanding any
23 other provision of this division, licensees may donate wine
24 to a person licensed under this section.

25 (g) Notwithstanding any other provision of this
26 division, a manufacturer, winegrower, manufacturer's
27 agent, California winegrower's agent, rectifier, distiller,
28 bottler, importer, or wholesaler may hold the ownership
29 of any interest, directly or indirectly, in the premises and
30 in the license of a wine, food and art cultural museum, and
31 educational center, may serve as an officer, director,
32 employee, or agent of a wine, food and art cultural
33 museum, and educational center licensee, and may
34 sponsor or fund educational programs, special
35 fundraising and promotional events, improvements in
36 capital projects, and the development of exhibits or
37 facilities of and for a wine, food and art cultural museum,
38 and educational center licensee provided the number of
39 items of beer, wine, or distilled spirits by brand, *exclusive*
40 *of wine labeled for the wine, food and cultural museum,*

1 *and educational center licensee authorized in subdivision*
2 *(a) of this section, offered for sale by the wine, food and*
3 *art cultural museum, and educational center licensee,*
4 *which are produced, bottled, rectified, distilled,*
5 *processed, imported, or sold by the licensees an*
6 *individual licensee holding an interest in, serving as an*
7 *officer, director, employee or agent of, or sponsoring or*
8 *funding the programs and projects of the retail licensee,*
9 *does not exceed 15 percent of the total items of beer,*
10 *wine, or distilled spirits by brand listed and offered for*
11 *sale in the retail licensed premises.*

12 (h) An applicant for an original on-sale general license
13 for a wine, food and art cultural museum, and educational
14 center shall, at the time of filing the application for the
15 license, accompany the application with a fee of ~~six~~
16 ~~thousand dollars (\$6,000)~~ *twelve thousand dollars*
17 *(\$12,000)*. The annual renewal fee for a license issued
18 pursuant to this section shall be the same as the applicable
19 renewal fee for an on-sale general license.

20 (i) An applicant for a duplicate on-sale general license
21 for a wine, food and art cultural museum, and educational
22 center shall, at the time of filing the application for the
23 license, accompany the application with a fee equal to the
24 license fee for an on-sale general license. The annual
25 renewal fee for a duplicate license issued pursuant to this
26 section shall be the same as the applicable renewal fee for
27 an on-sale general license.